

Remarks/Arguments:

Claims 9-13 and 24-28 are currently pending in the application, claims 1-8 and 14-23 having been canceled as a result of a Restriction Requirement. Dependent claims 29-36 have been added and do not present new matter.

Claims 9-13 and 24-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,036,922 ("Saverslak"). Applicants traverse the rejections and respectfully submit that claims are patentable over the art of record for at least the reasons set forth below.

Anticipation Rejections based on Saverslak

With respect to the Office Action's assertion that "Saverslak does not specifically mention that the wing portions are removed," Applicant respectfully disagrees with the Office Action's interpretation as to what the phrase "may be" modifies. (Office Action, page 3). It is specifically on this interpretation, which Applicant asserts is in direct contradiction to the teaching of Saverslak, that the Office Action's rejection of claim 9 is based. Applicant contends that, read in the context of the entire sentence, the interpretation of the operative phrase "may be" should be that the phrase modifies the language directed to the order of the steps of the method, rather than the language directed to the removing of the wings at all.

The sentence in which the phrase "may be" is included, begins with "While certain of the following steps are mutually interchangeable, the first step of the improved method according to the present invention, as shown in FIGURE 1, may be that of removing the wing portions . . ." (col. 3, lines 8-11). It is Applicant's contention that when read in the entire context of the sentence, the phrase "may be" denotes that the first step of the "mutually interchangeable" steps may be removing the wing portions. If such is the case, which Applicant's contend is not only reasonable, but more precise, the operative phrase "may be" thus does not modify the language directed to removing of the wings as the Office Action argues. In addition, Applicant's interpretation is supported by the specification, which states that prior to the application of the gluten, "the meat is completely boneless . . ." and that "the uncooked poultry product is rendered completely boneless . . ." (col. 3, lines 49-51; col. 5, line 48).

Saverslak's title clearly and unequivocally states that the patent is for "Process of Preparing A Boneless Cooked Poultry Product." (emphasis added). Therefore, Applicant contends that the disclosure of Saverslak teaches a completely boneless cooked poultry product, whereas Applicant's semi-boneless poultry product according to independent claim 9 includes the feature of "at least one of a wing bone, a thigh bone, or a leg bone is attached to the integral butchered cut" and according to new dependent claim 29 includes the feature of "the at least one of the wing bone, the thigh bone, or the leg bone attached to the integral butchered cut consists of at least one leg bone."

Applicant further notes other references in the specification directed to the "boneless" nature of the Saverslak poultry product include: "Consumer demand has been increasing progressively over the last few years for boneless fowl and poultry products..." (col. 1, lines 11-14) and in each of the claims' preambles "The process of preparing a boneless cooked poultry product" followed by "separating from the carcass of an uncooked poultry product the [] meat. . ." in the body of each claim. Applicant also notes that it is clear from a review of the Figures that none of the illustrations of the poultry show a carcass with wings. Therefore, because Applicant reasonably believes that the Office Action has misconstrued that the wings "may be" removed rather than that the wings "are" removed, Applicant's claim 9 is differentiated from the Saverslak reference.

With respect to independent claim 24, Applicant again contends that the Office Action has based its rejection on a misinterpretation of the Saverslak reference. The Office Action correctly quotes Saverslak for teaching, "At this time, the entire meat body is ensheathed in the skin casing which maintains the shape and form thereof," and correctly construes that the skin casing "maintains the shape and form" of the entire meat body. (Office Action, page 3). However, Applicant contends the Office Action misconstrues the term "meat body" as comparable to Applicant's embodiment in which the semi-boneless chicken product's configuration "is shaped to resemble a fully-boned whole bird roaster." As the Saverslak reference teaches, the wings and legs are removed from the carcass. (col. 3, lines 8-37). Thus, "[t]he remaining mass of meat comprises all white meat since it is the breast of the turkey." (col. 3, lines 38-40). This completely boneless meat product, to which gluten is then added, is next "rolled into a compact body of generally cylindrical configuration as shown in Figure 7 . . .".

(emphasis added) (col. 3, lines 49-51; col. 4, lines 15-17). Thus, it is clear from the Saverslak disclosure that it is this cylindrical meat body for which the skin casing "maintains the shape and form thereof." Even allowing for the alternative embodiments which contain dark meat from the extremities, as disclosed in col. 5, lines 44-55, the resulting product does not resemble a fully-boned whole bird roaster, but rather a "rolled product." (col. 5, lines 62-69). Once again, Applicant draws the Office Action's attention to the Figures, specifically Figures 7-18, which clearly show that the meat product is formed into a cylindrical, or rolled, meat product and not into a configuration resembling a fully-boned whole bird roaster.

Conclusion

Based on the foregoing, Applicant contends, therefore, that independent claims 9 and 24 are patentable over the art of record. Claims 10-13 and 25-36 are also patentable over the art of record at least for the same reasons that claims 9 and 24, on which they are dependent, are patentable, but may be separately patentable for additional reasons as well.

In view of the amendments and arguments set forth above, Applicant respectfully submits that the claims in the above-identified application are in condition for allowance.

Respectfully submitted,



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